

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JULIAN R. HOOD, JR.,

Plaintiff,

CASE NO. 1:15-cv-609

v.

HON. ROBERT J. JONKER

OFFICE OF PERSONNEL MANAGEMENT,

Defendant.

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**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Kent's Report and Recommendation in this matter (docket # 38) and Plaintiff Hood's Objections to the Report and Recommendation (docket # 39). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; and Plaintiff's objections. After its review, the Court finds that Magistrate Judge Kent's Report and Recommendation is factually sound and legally correct.

The Magistrate Judge recommends: (1) denying Plaintiff's motions to amend; (2) granting Plaintiff's motion for voluntary dismissal to the extent it withdraws his proposed amendments to the amended complaint; (3) denying Plaintiff's motions to transfer; and (4) granting Defendant's motion to dismiss. In his objections, Mr. Hood primarily reiterates and expands arguments made in his motion papers. The Report and Recommendation already carefully, thoroughly, and accurately addresses these arguments. Nothing in Plaintiff's objections changes the fundamental analysis. The Court agrees with the Magistrate Judge's conclusion that Defendant is entitled to the relief it seeks, for the very reasons the Report and Recommendation delineates.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (docket # 38) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff Hood's motions to amend (docket ## 13, 14, 15, 17, and 24) are **DENIED**.

IT IS FURTHER ORDERED that Plaintiff Hood's motion for voluntary dismissal (docket # 31) is **GRANTED** to the extent it withdraws his proposed amendments to the amended complaint.

IT IS FURTHER ORDERED that Plaintiff Hood's motions to transfer (docket ## 32 and 35) are **DENIED**.

IT IS FURTHER ORDERED that Defendant Office of Personnel Management's motion to dismiss (docket # 28) is **GRANTED**.

This case is **DISMISSED**.

Dated: August 18, 2016

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE